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C O N F I D E N T I A L BEIJING 012650

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DEPT FOR DRL, EAP/CM  
NSC FOR WILDER, KOZAK

E.O. 12958: DECL: 06/16/2016

TAGS: PHUM PREL KPAO CH

SUBJECT: TRIAL OF NEW YORK TIMES EMPLOYEE ADJOURNS WITHOUT  
RESULT

REF: BEIJING 12529 AND PREVIOUS

Classified By: Susan A. Thornton, Acting Political Section Internal Unit Chief.

Reasons 1.4 (b/d).

¶1. (C) The trial of New York Times researcher Zhao Yan on charges of leaking "state secrets" and fraud adjourned without result on June 16. A verdict should issue within 30 days, according to Chinese law.

¶2. (C) The proceeding in Beijing No. 2 Intermediate Court was closed to the public, meaning Zhao Yan's relatives, Embassy observers and reporters were not permitted to enter the courthouse. The court argument began at 9:30 a.m. and continued until 5 p.m. with a two-hour lunch break. Zhao's defense attorneys Mo Shaoping and Guan Anping filed a not guilty plea on Zhao's behalf but no witnesses were permitted to testify, according to New York Times Beijing Bureau Chief Joseph Kahn who waited outside the courthouse during the proceeding. In a telephone call with poloff, Zhao's defense attorney Mo Shaoping said trial procedures were consistent with Chinese law. He noted he could not comment on the substance of the trial because it involved "state secrets."

¶3. (C) As noted reftels, Zhao has been jailed since September 17, 2004, ten days after the New York Times published an article correctly forecasting that Jiang Zemin would step down from his post as head of China's Central Military Commission. Kahn has denied that Zhao Yan was the source of that report but Kahn's request to testify at trial was denied. Because he was charged with disclosing a "major state secret," Zhao could face the death penalty if convicted. But observers, including NYU Law Professor Jerome Cohen who advised the defense team, believe a ten-year sentence is a more likely result of any conviction.

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